

Notwithstanding any other provision of this Order, when the United States, on behalf of the United States Environmental Protection Agency (“EPA”), the Department of the Interior (“DOI”), and/or the National Oceanic and Atmospheric Administration (“NOAA”) is the Receiving Party with respect to any Designated Material:

1. For purposes of Paragraph 12, outside counsel shall include Department of Justice counsel and counsel from EPA, DOI and/or NOAA and experts shall include experts hired by the Department of Justice as well as EPA, DOI and/or NOAA personnel working on this case.
2. All requirements of confidentiality with respect to Designated Material under this Order shall be except as required by law, court order or other lawful process.
3. With respect to any Freedom of Information Act (“FOIA”) request received by the United States with respect to Designated Material, the United States shall not produce any information or materials whose production is restricted under this Order that it determines is required under applicable law to be disclosed under FOIA without providing the Producing Person a reasonable opportunity to object to its production and, if desired, seek relief from the Bankruptcy Court.
4. Nothing in this Order shall prevent or limit any right of the United States to seek or obtain any information or materials from any entity through subpoena, formal discovery or other process, even if such materials were previously disclosed or released to the United States pursuant to this Order.
5. Nothing in this Order shall limit the right of the United States to use Designated Material in connection with the enforcement of any law including, without limitation, environmental or public health and safety laws.
6. Nothing in this Order shall preclude the United States from seeking an order from the Bankruptcy Court that any materials or information should not be subject to the requirements of this Order.

7. The provisions of Paragraph 30 of the Order concerning the return and/or destruction of Designated Material following the conclusion of the Disputes shall not be applicable to the United States, except for the last sentence of Paragraph 30, which requires that the Designated Material continue to be treated as confidential to the extent that the information remains confidential.